

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GEORGIA STATE CONFERENCE OF)
THE NAACP, as an organization;)
GEORGIA COALITION FOR THE)
PEOPLES' AGENDA, as an organization;)
SANQUAN THOMAS, MERRITT)
HUBERT, TAURUS HUBERT, JOHNNY)
THORNTON, MARTEE FLOURNOY and)
LARRY WEBB;)

Plaintiffs,)

v.)

HANCOCK COUNTY BOARD OF)
ELECTIONS AND REGISTRATION;)
KATHY RANSOM, NANCY STEPHENS,)
LINDA CLAYTON, ROBERT INGRAM,)
and JIM YOUMANS, in their official)
capacities as members of the Hancock)
County Board of Elections and Registration;)
and TIFFANY MEDLOCK, in her official)
capacity as the Hancock County Elections)
Supervisor,)

Defendants.)

Civil Action
Case No. 5:15-cv-414-CAR

**MOTION TO ENFORCE
COURT ORDER AND
REQUEST FOR
EMERGENCY
CONFERENCE**

**MOTION TO ENFORCE COURT ORDER AND
REQUEST FOR EMERGENCY CONFERENCE WITH THE COURT**

On January 21, 2016, this Court ordered that "Defendant ... put purged voters who are authorized to be back on the registration list." [Doc. 28]. In the

weekly status conferences with the Court since that Order, the need for compliance with the Court's direction has been regularly discussed and, when the Court thought it appropriate, the importance of complying with the Order has been reemphasized to the litigants. Thus, it was a surprise to Plaintiffs that the Hancock County Board of Election and Registration (BOER), at its scheduled meeting last night, refused to even consider whether to add Plaintiff Johnny Thornton back to the voter rolls before the Super Tuesday Presidential Primary on March 1.

It has been reported to counsel for Plaintiff that at the BOER meeting, that no meaningful discussion of Thornton's eligibility occurred and that the white members of the BOER voted to continue the discussion of Thornton's eligibility until March 10, 2016 – more than a week after the primary. That date is particularly significant because it is well known that Mr. Thornton, an African-American, has announced plans to qualify to run against a white member of the Hancock County Board of Commissioners in the next election. The qualifying period is March 7-11, 2016.

The two African-American members of the BOER voted to consider the issue of Thornton's eligibility at the meeting, but were outvoted 3-2. The action by the BOER is not in compliance with this Court's Order. Moreover, having induced Mr. Thornton into dismissing his state court action on the promise that his

eligibility would be fairly considered by the BOER, one could be well justified in now accusing the BOER of sandbagging Mr. Thornton.

During the meeting, it is reported that member Nancy Stephens, who had originally challenged Thornton's right to vote, claimed that Thornton should not be restored to the voter rolls because he no longer owns property in Hancock County – a fact that is not only legally meaningless, but based upon a misunderstanding about the import of a tax sale under Georgia law. Robert Ingram, an African-American member of the BOER, protested that a citizen did not have to own property to vote. Obviously, Mr. Ingram is right, but one would not have thought that this pointless debate would ever have occurred if all members had simply reviewed Mr. Thornton's declaration. To Plaintiffs' knowledge, no information was introduced to demonstrate that Thornton was not eligible to vote. Moreover, there is nothing of which Plaintiffs are aware that can excuse the BOER from failing to comply in good faith with this Court's Order.

The BOER did restore Natasha Deanna Jones to the voter rolls, raising to 19 the number of voters identified thus far who were wrongfully purged. We also understand that the BOER restored James Tucker and the other 7 voters to the rolls who could not be located on a "challenged" basis, as discussed with the Court yesterday.

Plaintiffs are put in a difficult situation by the Defendants' action last night given the short time remaining before the polls open on March 1. Little time is left to secure Mr. Thornton's right to vote. Thus, we respectfully request that this Court enforce its January 21st Order and restore Mr. Thornton to the voter rolls or require Defendants to adequately explain why he should not be restored, and award such other and further relief as the Court deems appropriate. In the alternative, the Plaintiffs ask the Court for direction on how the Court would like for Plaintiffs to proceed.

This 26th day of February, 2016.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing **MOTION TO ENFORCE
COURT ORDER AND REQUEST FOR EMERGENCY CONFERENCE
WITH THE COURT** to be electronically filed with the Clerk of Court using the

CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record.

I further certify that I caused the foregoing **MOTION TO ENFORCE COURT ORDER AND REQUEST FOR EMERGENCY CONFERENCE** to be served on the following attorney by e-mail and U.S. Mail, postage prepaid:

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Counsel for Defendants

This 26th day of February, 2016.

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